

**PHARMACY BOARD[657]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 21, “Electronic Data in Pharmacy Practice,” Iowa Administrative Code.

The amendment was approved at the March 9, 2016, regular meeting of the Board of Pharmacy.

The proposed amendment strikes the final sentence in subrule 21.8(4). The sentence was intended to enforce the requirement that a prescription that is created and transmitted electronically must be maintained by the pharmacy as an electronic record and that a printed hard copy of the electronic prescription cannot replace the electronic record as the original prescription record. The sentence has been misinterpreted to prohibit the printing of an electronically created and transmitted prescription.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on May 17, 2016. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by e-mail to [terry.witkowski@iowa.gov](mailto:terry.witkowski@iowa.gov).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 124.301, 124.306, 124.308, 155A.27, and 155A.35.

The following amendment is proposed.

Amend subrule 21.8(4) as follows:

**21.8(4) *Original prescription.*** The electronic transmission shall be deemed the original prescription drug order provided it meets the requirements of this rule. The electronic transmission of a prescription drug order for a controlled substance shall meet all requirements of the DEA for electronic prescribing. An electronically prepared and transmitted prescription shall be maintained electronically in the prescriber’s electronic prescription application and the pharmacy prescription application for a minimum period of two years following the date of last activity on that prescription record. ~~Once a prescription is created and transmitted electronically, the prescription record shall not be printed and retained as a hard-copy record.~~